

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CHARLES LEE RANDOLPH,

Petitioner,

v.

WILLIAM GITTERE, *et al.*,

Respondents.

Case No. 3:08-cv-00650-LRH-CLB

ORDER

In this capital habeas corpus action, the Court has appointed the Federal Public Defender for the District of Idaho (FPD) as counsel for the petitioner, Charles Lee Randolph. ECF No. 67. On August 23, 2023, the Court received from the FPD an ex parte communication, Exhibit A (which will be filed for the record but under seal), in which the FPD requests permission to represent Randolph in a successive post-conviction habeas corpus action in state court. Having reviewed the request, and having carefully considered the history of this action, and in consideration of the efficiencies in moving all proceedings along expeditiously, the Court finds good cause to permit Randolph's federally appointed counsel to represent him in the successive state-court habeas action. See 18 U.S.C. § 3599(e); *Harbison v. Bell*, 556 U.S. 180, 190 n.7 (2009). By granting the FPD's request, the Court does not purport to encourage, or convey any position with respect to the merits of, the proposed state court litigation.

IT IS THEREFORE ORDERED that the request for authorization for the Federal Public Defender for the District of Idaho to represent Petitioner in a successive petition

1 for writ of habeas corpus in state court is **GRANTED**. Petitioner's federally-appointed
2 counsel is authorized to represent him in state court in a successive post-conviction
3 habeas corpus action. The Court takes no position with regards to any merit or lack of
4 merit in the proposed successive petition.

5 **IT IS SO ORDERED.**

6 DATED THIS 25th day of August, 2023.

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9 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE